

William C. McNeill, III, (SBN 64392)
 Marsha J. Chien, (SBN 275238)
**THE LEGAL AID SOCIETY-
 EMPLOYMENT LAW CENTER**
 180 Montgomery Street, Suite 600
 San Francisco, CA 94104
 Telephone: (415) 864-8848
 Facsimile: (415) 593-0096
 Email: wmcneill@las-elc.org
 Email: mchien@las-elc.org

James M. Finberg (SBN 114850)
 Eve H. Cervantez (SBN 164709)
 Connie K. Chan (SBN 284230)
ALTSHULER BERZON LLP
 177 Post Street, Suite 300
 San Francisco, CA 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
 Email: jfinberg@altber.com
 Email: ecervantez@altber.com
 Email: cchan@altber.com

Attorneys for Plaintiff JANE DOE, on behalf
 of herself and other similarly situated.

Matthew C. Kane (SBN 171829)
 Michael D. Mandel (SBN 216934)
 Regina A. Musolino (SBN 198872)
 Sean M. Sullivan (SBN 286368)
MCGUIREWOODS LLP
 1800 Century Park East, 8th Floor
 Los Angeles, CA 90067-1501
 Telephone: (310) 315-8200
 Facsimile: (310) 315-8210
 Email: mkane@mcguirewoods.com
 Email: mmandel@mcguirewoods.com
 Email: rmusolino@mcguirewoods.com
 Email: ssullivan@mcguirewoods.com

Attorneys for Defendant BANK OF
 AMERICA CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all
 others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION.

Defendant

Case No. 3:14-CV-01613 TEH

**STIPULATION AND [PROPOSED]
 ORDER ENLARGING BRIEFING
 SCHEDULE AND CONTINUING
 HEARING ON DEFENDANT'S MOTION
 TO DISMISS PURSUANT TO FED. R.
 CIV. P. 12(B)(7), AND EXTENDING
 DEADLINES FOR MEDIATION AND
 MOTION FOR CLASS CERTIFICATION;
 DECLARATION OF CONNIE K. CHAN
 IN SUPPORT THEREOF**

Civ. L.R. 6-2 and 7-12

Date: n/a

Time: n/a

Courtroom: 12

Judge: Thelton E. Henderson

1 Plaintiff Jane Doe ("Plaintiff") and Defendant Bank of America Corporation ("Defendant"),
2 herein referred to collectively as the "Parties," by and through their respective attorneys of record,
3 hereby stipulate pursuant to Civil Local Rules 6-2 and 7-12 as follows:

4 WHEREAS, on June 22, 2015, Defendant filed a Motion to Dismiss Plaintiff's Complaint
5 Pursuant to F.R.C.P. 12(b)(7), which was noticed for hearing on July 27, 2015;

6 WHEREAS, due in part to the fact that the parties were scheduled for mediation with Michael
7 Loeb on July 20, 2015, the parties previously stipulated to continue the briefing and hearing schedule on
8 Defendant's motion to dismiss such that Plaintiff's opposition would not be due until after the mediation
9 (Dkt. 58);

10 WHEREAS, pursuant to the parties' prior stipulation and the Court's order thereon, Plaintiff's
11 opposition to Defendant's motion to dismiss is currently due July 21, 2015, Defendant's reply is due
12 August 10, 2015, and a hearing on the motion is set for August 31, 2015 at 10:00 a.m. (Dkt. 59);

13 WHEREAS, the current deadline for Plaintiff's motion for class certification is August 3, 2015;

14 WHEREAS, on July 10, 2015, Mediator Loeb asked the parties to reschedule the July 20
15 mediation due to a pressing personal matter, and the parties are currently trying to reschedule the
16 mediation to a mutually agreeable time in August or early September;

17 WHEREAS, the parties agree that a successful mediation will obviate the need for the parties
18 and the Court to expend additional resources briefing, hearing, and deciding Defendant's motion to
19 dismiss, as well as Plaintiff's anticipated motion for class certification; and

20 WHEREAS, the requested time modification will not affect any other case scheduling deadlines
21 currently set;

22 HENCE, pursuant to Civil Local Rule 6-2, and in the interests of judicial efficiency and
23 economy of resources, the Parties have conferred and hereby stipulate as follows, subject to the Court's
24 approval:

- 25
26 1. The parties' deadline to mediate shall be extended to September 15, 2015;

2. Plaintiff's current deadline of August 3, 2015 to file a motion for class certification shall be extended to November 16, 2015, which is 60 days after the deadline for mediation;
3. Plaintiff's opposition to Defendant's pending Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be due September 29, 2015, which is two weeks after the deadline for mediation;
4. Defendant's reply shall be due October 13, 2015; and
5. A hearing on Defendant's motion shall be set for November 9, 2015 at 10:00 a.m., or as soon thereafter as the Court is available.

DATED: July 16, 2015

By: /s/ Connie K. Chan

**The LEGAL AID SOCIETY-EMPLOYMENT
LAW CENTER**

William C. McNeill, III
Marsha J. Chien
180 Montgomery Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 864 8848
Facsimile: (415) 593-0096
wmcneill@las-elc.org
mchien@las-elc.org

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James M. Finberg
Eve H. Cervantez
Connie K. Chan
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
jfinberg@altber.com
ecervantez@altber.com
cchan@altber.com

Attorneys for Plaintiff Jane Doe, on behalf of
herself and others similarly situated

DATED: July 16, 2015

By: /s/ Regina A. Musolino

MCGUIRE WOODS LLP

Matthew C. Kane
Michael D. Mandel
Regina A. Musolino
Sean M. Sullivan

1 1800 Century Park East, 8th Floor
2 Los Angeles, CA 90067-1501
3 Telephone: (310) 315-8200
4 Facsimile: (310) 315-8210
5 mkane@mcguirewoods.com
6 mmandel@mcguirewoods.com
7 rmusolino@mcguirewoods.com
8 ssullivan@mcguirewoods.com

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Attorneys for Defendant Bank of America
Corporation

**DECLARATION OF CONNIE K. CHAN IN SUPPORT OF STIPULATION TO MODIFY
BRIEFING AND HEARING SCHEDULE**

I, Connie K. Chan, declare as follows:

1. I am a member in good standing of the bar of the State of California and am one of the counsel of record for Plaintiff in the above-captioned case. I make this declaration in support of the parties' stipulated request to extend the briefing and hearing schedule on Defendant's pending motion to dismiss pursuant to FRCP 12(b)(7). The facts set forth in this declaration I know to be true of my own personal knowledge, except as those matters which are alleged on information and belief, and as to those matters I believe them to be true. I could and would competently testify as to all such matters, if called upon to do so.

2. Following an initial case management conference held on August 25, 2014, the Court issued a case scheduling order setting, among other dates, a fact discovery cutoff of February 1, 2016, a February 22, 2016 deadline to file dispositive motions, and a May 17, 2016 trial date.

3. On February 17, 2015, pursuant to the parties' stipulation made in light of ongoing mediation efforts, the Court issued an order extending the deadline for Plaintiff to file a motion for class certification from March 10, 2015 to August 3, 2015.

4. On July 2, 2015, pursuant to the parties' stipulation, the Court issued an order extending the briefing deadlines and hearing on Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(7), filed June 22, 2015. Pursuant to that Stipulation and Order, Plaintiff's opposition is currently due July 21, 2015; Defendant's reply is currently due August 10, 2015; and a hearing on the motion is currently set for August 31, 2015 at 10:00 a.m.

5. To my knowledge, there have been no other previous time modifications in this case.

6. The parties were previously scheduled for mediation on July 20, 2015. However, on July 10, 2015, Mediator Michael Loeb asked the parties to reschedule the July 20 mediation due to a pressing personal matter. The parties are currently trying to reschedule the mediation to a mutually agreeable time in August or early September.

7 by: /s/ Connie K. Chan
Connie K. Chan

PROPOSED ORDER

Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders as follows:

1. The parties' deadline to mediate shall be extended to September 15, 2015;
2. Plaintiff's current deadline of August 3, 2015 to file a motion for class certification shall be extended to November 16, 2015, which is 60 days after the deadline for mediation;
3. Plaintiff's opposition to Defendant's pending Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be due September 29, 2015, which is two weeks after the deadline for mediation;
4. Defendant's reply shall be due October 13, 2015; and
5. A hearing on Defendant's motion shall be set for November 9, 2015 at 10:00 a.m., or as soon thereafter as the Court is available.

IT IS SO ORDERED.

Dated: 07/20/2015

Hon. Thelton E. Henderson
UNITED STATES DISTRICT COURT

